



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

(1) First and Final Account and Report of Administrator, (2) Petition for Its Settlement for Allowance of Ordinary Attorneys' Fees, Costs of Administration Statutory Commissions, and for (3) Final Distribution (Prob. C. 1060 et seq, 10800, 10951, 11000, 11600-11603)

<b>DOD: 09/03/07</b>		<b>ROSARIO GUIZAR</b> , Administrator, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. The Petition states that there will be \$3,269.51 cash on hand to pay to the Department of Health Care Services after payment of attorney's fees, administrator's commission and costs; however, the Examiner calculates the remaining cash to be \$3,077.46. Need clarification.  2. Need Allowance or Rejection of Creditor's Claim regarding the Creditor's Claims filed by the Department of Health Care Services pursuant to CRC 7.401.  <b>Note:</b> Approval Signature of the Department of Health Care Services to First and Final Account was filed 05/21/13 and Notice of Hearing with a copy of the Petition was served on the Department of Health Care Services.  <b>Reviewed by:</b> JF <b>Reviewed on:</b> 06/20/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 1 – Garcia</b>
		Account period: <b>09/03/07 – 04/24/13</b>	
		Accounting - <b>\$70,550.68</b>	
		Beginning POH - <b>\$70,327.73</b>	
		Ending POH - <b>\$70,135.68</b> (\$10,135.68 is cash)	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>	Administrator - <b>\$2,813.11</b> (statutory)	
✓	<b>PTC</b>	Attorney - <b>\$2,813.11</b> (statutory)	
✓	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Costs - <b>\$1,432.00</b> (for filing fees, publication, certified copies, recording fees, skip trace)	
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>	10/15/10	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>	<p>Petitioner states that the Department of Health Care Services has filed creditor's claims against the estate in the amount of \$18,371.86. Due to insufficient cash assets in the estate to pay the creditor's claims in full, the Department of Health Care Services has placed a lien against the real property asset of the estate in the amount of \$18,371.86 with interest at 7% per annum. Petitioner proposes to distribute the remaining cash on hand, after payment of the costs of administration, to the Department of Health Care Services and thereby reduce the lien amount to \$15,102.35.</p> <p><b>Distribution, pursuant to intestate succession and subject to an assignment of interest by Guadalupe Pedraza to Rosario Guizar, is to:</b></p> <p>Department of Health Care Services - \$3,269.51</p> <p>Rosario Guizar - 2/5 (40%) interest in 1/2 interest in real property</p> <p>Jose A. Torres - 1/5 (20%) interest in 1/2 interest in real property</p> <p>Luis Castillo - 1/5 (20%) interest in 1/2 interest in real property</p> <p>Roberto Torres - 1/5 (20%) interest in 1/2 interest in real property</p>	
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

## (1) Petition for Final Distribution on Waiver of Account and for (2) Allowance of Statutory Compensation and Necessary Fees and Costs

<b>DOD: 12/12/2011</b>		<b>PEARL POPIN</b> , Executor, is petitioner.		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		Accounting is waived.		1. Inventory and Appraisal part 1, filed on 7/23/12, Inventory and Appraisal, part 2, corrected filed on 5/16/13 and Inventory and Appraisal, part 3 filed on 3/29/13 are incomplete at items 3 through 8.	
		I & A - <b>\$712,757.02</b>		2. Need property tax certificate.	
<b>Cont. from</b>		POH - <b>\$754,465.19</b> (\$734,465.19 is cash)		3. Statutory fee base includes receipts and gains on sales. Need receipt schedule and gains on sale schedule pursuant to California Rules of Court 7.550 (6) which states a waiver of account must include detailed schedules of receipts and gains or losses on sale (where an amount other than the amount for the Inventory and Appraisal is used as a basis for calculating fees or commissions).	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			4. Need current status of all inventoried items pursuant to Local Rule 7.13.	
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor (statutory) - <b>\$18,350.68</b>		5. Order does not comply with Local Rule 7.6.1.A. – Need new order.	
<input checked="" type="checkbox"/>	<b>Inventory</b>				
<input type="checkbox"/>	<b>PTC</b>				
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney (statutory) - <b>\$18,350.68</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>				
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	Attorney x/o - <b>\$7,283.00</b> (for lease of property and sale of real and personal property. 29.80 hours @ \$195 - \$275 per hour)		
<input type="checkbox"/>	<b>Aff.Pub.</b>				
<input type="checkbox"/>	<b>Sp.Ntc.</b>				
<input type="checkbox"/>	<b>Pers.Serv.</b>				
<input type="checkbox"/>	<b>Conf. Screen</b>	Costs - <b>2,893.00</b> (filing fees, certified copies, probate referee)			
<input checked="" type="checkbox"/>	<b>Letters</b>	3/9/12	Closing - <b>\$2,000.00</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>				
<input type="checkbox"/>	<b>Objections</b>				
<input type="checkbox"/>	<b>Video Receipt</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>			
<input type="checkbox"/>	<b>CI Report</b>				
<input checked="" type="checkbox"/>	<b>9202</b>	Pearl Popin - 1/2			
<input checked="" type="checkbox"/>	<b>Order</b>	Mary Varonin - 1/2			
<input type="checkbox"/>	<b>Aff. Posting</b>				
<input type="checkbox"/>	<b>Status Rpt</b>				
<input type="checkbox"/>	<b>UCCJEA</b>				
<input type="checkbox"/>	<b>Citation</b>				
<input checked="" type="checkbox"/>	<b>FTB Notice</b>				
				<b>Reviewed by: KT</b>	
				<b>Reviewed on: 6/21/13</b>	
				<b>Updates:</b>	
				<b>Recommendation:</b>	
				<b>File 2 – Samarin</b>	

**(1) First and Final Report of Administrators on Waiver of Account and (2) Petition for Allowance of Compensation to Attorneys for Ordinary Services, and (3) for Final Distribution (Prob. C. 10810, 10900, 10951, 10954, 11600, & 11640)**

<b>DOD: 2/29/2012</b>			<b>LANCE MALACH</b> and <b>LORAN MALACH</b> , Administrators, are petitioners.  Accounting is waived.  I & A - <b>\$157,075.03</b> POH - <b>\$157,075.03</b>  Administrators - <b>waive</b>  Attorney (statutory) - <b>\$5,712.55</b>  Costs - <b>\$435.00</b> (filing fee)  <b>Distribution, pursuant to Intestate Succession, is to:</b>  <b>Lance Malach</b> - ½ interest in household furniture and furnishings, ½ interest in 1990 Golden West Mobile home, ½ of decedent's ½ interest in 1970 Fashion Manor Mobile home and ½ interest in promissory note.  <b>Loren Malach</b> - ½ interest in household furniture and furnishings, ½ interest in 1990 Golden West Mobile home, ½ of decedent's ½ interest in 1970 Fashion Manor Mobile home and ½ interest in promissory note.	<b>NEEDS/PROBLEMS/COMMENTS:</b>		
<b>Cont. from</b>						
	<b>Aff.Sub.Wit.</b>					
✓	<b>Verified</b>					
✓	<b>Inventory</b>					
✓	<b>PTC</b>					
✓	<b>Not.Cred.</b>					
✓	<b>Notice of Hrg</b>					
✓	<b>Aff.Mail</b>	W/				
	<b>Aff.Pub.</b>					
	<b>Sp.Ntc.</b>					
	<b>Pers.Serv.</b>					
	<b>Conf. Screen</b>					
✓	<b>Letters</b>	7/26/12				
	<b>Duties/Supp</b>					
	<b>Objections</b>					
	<b>Video Receipt</b>					
	<b>CI Report</b>					
✓	<b>9202</b>					
✓	<b>Order</b>					
	<b>Aff. Posting</b>					
	<b>Status Rpt</b>					
	<b>UCCJEA</b>					
	<b>Citation</b>					
✓	<b>FTB Notice</b>					
			<b>Reviewed by: KT</b>			
			<b>Reviewed on: 6/13/13</b>			
			<b>Updates:</b>			
			<b>Recommendation: SUBMITTED</b>			
			<b>File 5 – Malach</b>			

Age: 6	<b><u>TEMPORARY EXPIRES 06/27/13</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	<b>VERNON BEATY and LYNDA BEATY</b> , paternal grandparents, are Petitioners.	<b><u>CONTINUED FROM 05/16/13</u></b>
	Father: <b>JEREMY KEITH BEATY</b>	Minute Order from 05/16/13 states: Mr. Stott's legal assistant Patricia Medina is also present in the courtroom. Proof of Service is shown to the Court. The Court finds the proof of service to be inadequate. Matter is continued to 06/27/13. The Court on its own motion grants a temporary guardianship in favor of Vernon Beaty and Lynda Beaty. The temporary expires on 06/27/13. Counsel is directed to submit order and letters.
Cont. from 042513, 051613	Mother: <b>AMANDA MELL</b>	<b>As of 06/19/13, nothing further has been filed and the following items remain outstanding:</b>
<input type="checkbox"/> Aff.Sub.Wit.	Maternal grandfather: DALE MELL	1. Need Notice of Hearing.
<input checked="" type="checkbox"/> Verified	Maternal grandmother: CYNTHIA MELL	2. Need proof of personal service at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
<input type="checkbox"/> Inventory	Sibling: JUSTIN PETERSON (5)	- Jeremy Beaty (father)
<input type="checkbox"/> PTC	<b>Petitioners allege</b> that the minor lived on and off with one or both parents from birth to age 5 due to both parents' incarcerations and drug use. The minor has lived with others step-grandparents, Petitioners, and other friends for period of up to 6-8 months while parents came and went. The minor has lived with Petitioners since September 2011 after being placed with them by CPS. To date, the parents have been unable to establish a safe and consistent environment for the minor.	- Amanda Mell (mother)
<input type="checkbox"/> Not.Cred.		3. Need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:
<input type="checkbox"/> Notice of Hrg		- Dale Mell (maternal grandfather)
<input type="checkbox"/> Aff.Mail		- Cynthia Mell (maternal grandmother)
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input checked="" type="checkbox"/> CI Report	<b>Court Investigator Jo Ann Morris filed a report on 04/17/13.</b>	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		<b>Reviewed by:</b> JF
<input type="checkbox"/> Status Rpt		<b>Reviewed on:</b> 06/19/13
<input checked="" type="checkbox"/> UCCJEA		<b>Updates:</b>
<input type="checkbox"/> Citation		<b>Recommendation:</b>
<input type="checkbox"/> FTB Notice		<b>File 6 – Mell</b>

**Petition to Determine Succession to Real Property (Prob. C. 13151)**

<b>DOD: 02/25/13</b>			<b>JANICE BEAVER</b> , daughter, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			40 days since DOD.	
			No other proceedings.	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>	s/p	I & A - \$120,000.00	
✓	<b>Verified</b>		Will dated 07/30/03	
✓	<b>Inventory</b>			
✓	<b>PTC</b>		Petitioner requests Court determination that	
	<b>Not.Cred.</b>		decedent's 100% interest in real property	
✓	<b>Notice of Hrg</b>		located at 3679 N. Ninth Street, Fresno, CA	
✓	<b>Aff.Mail</b>		pass to her pursuant to decedent's will.	
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
	<b>Letters</b>			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			<b>Reviewed by:</b> JF
	<b>Status Rpt</b>			<b>Reviewed on:</b> 06/21/13
	<b>UCCJEA</b>			<b>Updates:</b> 06/25/13
	<b>Citation</b>			<b>Recommendation:</b> SUBMITTED
	<b>FTB Notice</b>			<b>File 7 – Jackson</b>

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 8-7-10</b>		<b>JOHN P. MCCANN and COLLEEN E. DEMPSEY</b> , two of the three named co-executors, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need authority for Fresno Superior Court as appropriate venue for probate and administration of this Decedent's estate, as there does not appear to be any property subject to administration here, and this is not a request for ancillary probate. See Probate Code §§ 7052 (including commentary), and 12510.  The Decedent was a resident of Katy, Harris County, Texas, and Petitioners do not allege that the Decedent owned any property here. Rather, Petitioners allege that monies taken by Daniel J. McCann that are the subject of other ongoing litigation here <u>may</u> belong to the estate.  Examiner notes that Daniel McCann is a resident of Quechee, Vermont.  <b><u>If this matter goes forward here:</u></b>  <b><u>SEE ADDITIONAL PAGES</u></b>
		Petitioner John P. McCann is a resident of Clovis, CA.	
		Petitioner Colleen E. Dempsey is a resident of Katy, TX.	
		Full IAEA – ok	
✓	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Will dated 11-19-08	
✓	<b>Aff.Mail</b>	<b>Residence: Katy, Harris County, TX</b>	
✓	<b>Aff.Pub.</b>	Publication: Fresno Business Journal	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Estimated Value of Estate:</b> Personal property: \$1,500,000.00	
✓	<b>Letters</b>	<b>Petitioners state</b> there is a claim against Daniel J. McCann for monies taken by Mr. McCann from the decedent prior to her death filed in the matter of the John P. McCann and Elizabeth A. McCann Trust dated April 2, 1999, with Fresno Superior Court Case No. 11CEPR00871. The monies may belong to the decedent's estate.	
✓	<b>Duties/Supp</b>	Petitioners state that Daniel J. McCann is the third named co-executor; however, his appointment as co-executor in the estate would be an irreconcilable conflict of interest.	
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>	<b>Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection. See additional pages.</b>	
	<b>Aff. Posting</b>	Probate Referee: Rick Smith	
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>	<b><u>SEE ADDITIONAL PAGES</u></b>	

Page 2

Daniel J. McCann filed Opposition to Petition on 6-21-13 states four grounds of objection:

- 1) California Superior Court does not have jurisdiction to probate Mrs. McCann's will.
- 2) Petitioners have delayed and waived their right to appointment as personal representatives.
- 3) Petitioners are not competent to act as personal representatives because they are wasting and neglecting any assets the probate estate may have.
- 4) Petitioners are estopped from bringing their petition, which should be abated until the trust litigation is concluded.

Authorities cited include numerous cases, statutes, treatises. See objection for facts and details. Objector states the California Court's involvement with the trust does not confer probate jurisdiction. Objector requests that the petition be denied, for costs of suit, and all other proper relief.

**NEEDS/PROBLEMS/COMMENTS:**

2. The Court may require declination to serve from Daniel J. McCann.
3. Petitioners request appointment without bond and state the will waives bond; however, because they are only two of the three named co-executors, and due to the extensive litigation already in existence, the Court may require bond in the amount of \$1,500,000.00. Alternatively, the Court may require waiver from appropriate relatives/beneficiaries, or authority for waiver of bond as requested. (Note: Because Petitioners are also the co-trustees of the trust, waiver may be required from trust beneficiaries.)
4. The Court may require clarification regarding Fresno Business Journal as appropriate publication with regard to Probate Code §8121(b), since the decedent did not reside here or own property here. Rather, the property that Petitioners state may be recovered is held by Daniel J. McCann, a resident of Vermont, and the Decedent was a resident of Texas.

**Note to Attorney:** Although the current Judicial Council form "Notice of Petition to Administer Estate" (updated 1-1-13) was used, the publication does not contain the updated language. For future petitions, please remember to note the update for publication.



Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.  
C. 8002, 10450)

<b>DOD: 04/08/13</b>		<b>CYNTHIA L. GERRINGER</b> , sister, is Petitioner and requests appointment as Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		Full IAEA – OK	
	<b>Aff.Sub.Wit.</b>	All heirs waive bond	
✓	<b>Verified</b>		
	<b>Inventory</b>	Decedent died intestate	
	<b>PTC</b>		
	<b>Not.Cred.</b>	Residence: Clovis	
		Publication: The Business Journal	
✓	<b>Notice of Hrg</b>	<b>Estimated Value of the Estate:</b>	
✓	<b>Aff.Mail</b>	Personal property - \$98,000.00	
	<b>Aff.Pub.</b>	Annual income - 980.00	
	<b>Sp.Ntc.</b>	Real property - 22,000.00	
	<b>Pers.Serv.</b>	<b>Total - \$120,980.00</b>	
	<b>Conf. Screen</b>	Probate Referee: <b>STEVEN DIEBERT</b>	
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

  

<b>Reviewed by:</b> JF
<b>Reviewed on:</b> 06/21/13
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 9 – Copeland</b>

1. The Petition indicates that the decedent's spouse is deceased. Need date of death of deceased spouse pursuant to Local Rule 7.1.1D.

**Note:** The Notice of Petition to Administer Estate form (DE-121) used is outdated. This form was updated January 1, 2013 and revised the language of #8 regarding Notice to Creditor's. The updated language should also be used in the publication.

**Note:** Letters of Special Administration were issued to Petitioner on 05/24/13 and will expire on 06/27/13.

**Note: If the petition is granted status hearings will be set as follows:**

- **Friday, 11/29/2013 at 9:00a.m. in Dept. 303** for the filing of the inventory and appraisal and
- **Friday, 08/29/2014 at 9:00a.m. in Dept. 303** for the filing of the first account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition for Appointment of Limited Probate Conservator of the Person (Prob. C. 1820, 1821)

Age: 18 years		THERE IS NO TEMPORARY. No temporary was requested.		NEEDS/PROBLEMS/COMMENTS:	
				Court Investigator Advised Rights on 6/12/13.	
		SERGIO VASQUEZ-PINON, father, IRMA VASQUEZ, mother and BRANDY KALBACH, sister, are petitioners and request appointment as Limited Conservator with medical consent powers.		Voting Rights Affected need minute order.	
Cont. from				1. Capacity Declaration was completed by a nurse practitioner. Probate Code §1890(c) states no court order under section 1880 [determining the conservatee lacks capacity to give informed consent to medical treatment] may be granted unless supported by a declaration executed by a licensed physician or licensed psychologist, stating that the proposed conservatee lacks the capacity to give informed consent to medical treatment. Therefore need Capacity Declaration that complies with Probate Code 1890(c).	
	Aff.Sub.Wit.			Declaration of Ronald Kleyn, M.D. filed 6/21/13 states he concurs with the evaluation of Marsha Destoff, MSN, FPN.	
✓	Verified			2. Notice Central Valley Regional Center was 28 days and not 30 days as required by Probate Code §1822(c).	
	Inventory			3. Need Conservatorship Video Viewing Receipt for Sergio Vasquez-Pinon	
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt	X			
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
✓	Citation				
	FTB Notice				
		Declaration of Marsha Destoff, MSN, FPN filed on 5/31/13			
		Voting Rights affected.			
		Petitioners state the proposed conservatee lives at home with petitioners. She has Down's Syndrome and had limited cognitive ability. A conservatorship is needed to assure that she is well taken care of and that her specific personal and medical needs are met.			
		Regional Center Report filed on 6/19/2013			
		Court Investigator Samantha Henson's Report filed on 6/20/13.			
				Reviewed by: KT	
				Reviewed on: 6/21/2013	
				Updates: 6/24/2013	
				Recommendation:	
				File 10 – Vazquez	



Gavin (8)		TEMP (PERSON ONLY) EXPIRES 6-27-13	NEEDS/PROBLEMS/COMMENTS:
	Aff.Sub.Wit.	<p><b>DIANA KATIGBAK and RICHARD VAGER</b>, paternal aunt and uncle, filed petitions for temporary and general guardianship of the <b>person and estate</b> for Aiyana (6) and Gavin Katigbak (9) on 4-26-12. Petitioners estimated that each minor's estate consists of approx. \$500,000.00 in personal property and real property.</p> <p>Temporary guardianship of the <b>person only</b> was granted on an ex parte basis on 4-26-12.</p> <p>At hearing on 5-8-12, the matter was set for trial and temporary guardianship (person only) was extended to 7-11-12.</p> <p>At trial on 7-11-12, the parties reached a settlement agreement and the matter was set for a review hearing on 1-16-13 with the understanding that if the mother is in compliance with the agreement, the petition will be dismissed. Temporary guardianship (person only) was extended to 1-16-13.</p> <p>On 1-16-13, the Court set further trial on 3-11-13 and extended the temporary guardianship to 3-11-13.</p> <p><b>Minute Order 3-11-13:</b> The Court and all counsel convene in chambers for further discussions. Mr. Hollingsworth informs the Court that they are in accord with the mediation agreement. The Court notes for the minute order that the parties have another mediation appointment scheduled with Mr. Fischer on 6/18/13. The Court sets the matter for Status Hearing on 6/27/13. The temporary is extended to 6/27/13. Set on 6/27/13 for Status Hearing. Temporary Guardianship Letters extended to 6/27/13.</p>	
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

Reviewed by: skc
Reviewed on: 6-24-13
Updates:
Recommendation:
File 11 – Katigbak

## Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 10		<b>TEMPORARY EXPIRES 06/27/13</b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>DIANA REYES</b> , maternal grandmother, is Petitioner.		1. Need <i>Notice of Hearing</i> .	
		Father: <b>TRINIDAD YBARRA</b> – <i>Consent &amp; Waiver of Notice</i> filed 04/24/13		2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person</i> <u>or</u> <i>Consent &amp; Wavier of Notice</i> <u>or</u> <i>Declaration of Due Diligence</i> for:	
Cont. from		Mother: <b>JAMIE ADDINGTON</b> – <i>Consent &amp; Waiver of Notice</i> filed 04/24/13		<ul style="list-style-type: none"> <li>- Paternal grandfather (unknown)</li> <li>- Gloria Erlick (paternal grandmother)</li> <li>- James Addington (maternal grandfather)</li> </ul>	
	Aff.Sub.Wit.		Paternal grandfather: UNKNOWN	<b>Note:</b> A proof of service by mail filed 06/19/13 states that the Notice of Hearing was mailed to Gloria Erlick, James Addington, Bryan Kelly, Olivia Kelly, and Trinidad Ybarra. However, this is not the correct form for use as proof of service by mail in Probate matters, further, the form only indicates that the Notice of Hearing was mailed to the parties and does not indicate that a copy of the Petition was also served as required per the Probate Code. Further, the proof of service is incomplete at item 4 and does not indicate the date of mailing.	
✓	Verified		Paternal grandmother: GLORIA ERLICK		
	Inventory		Maternal grandfather: JAMES ADDINGTON		
	PTC				
	Not.Cred.				
	Notice of Hrg	x			
✓	Aff.Mail				
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	n/a			
✓	Conf. Screen		<b>Petitioner alleges</b> that the mother is homeless and has no means to care for the child, and the father is remarried and agrees with guardianship.		
✓	Letters				
✓	Duties/Supp				
	Objections		<b>Court Investigator JoAnn Morris filed a report on 06/20/13.</b>		
	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
	Aff. Posting			<b>Reviewed by:</b> JF	
	Status Rpt			<b>Reviewed on:</b> 06/21/13	
✓	UCC/JEA			<b>Updates:</b> 06/25/13	
	Citation			<b>Recommendation:</b>	
	FTB Notice			<b>File 13 – Ybarra</b>	

Age: 13		<b><u>GENERAL HEARING: 08/20/13</u></b>		<b>NEEDS/PROBLEMS/COMMENTS:</b>	
		<b>ANTONIA RODRIGUEZ</b> , paternal grandmother, is Petitioner.		1. Need Notice of Hearing.	
		Father: <b>MANUEL MARTINEZ RODRIGUEZ</b>		2. Need proof of personal service at least 5 court days before the hearing of Notice of Hearing with a copy of the Petition for Appointment of Temporary Guardian of the Person <u>or</u> Consent & Waiver of Notice <u>or</u> Declaration of Due Diligence for:	
Cont. from		Mother: <b>REBECCA A. MANJARREZ</b>		- Manuel Martinez Rodriguez (father)	
<input type="checkbox"/>	Aff.Sub.Wit.			- Rebecca A. Manjarrez (mother)	
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>			
<input type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	<input checked="" type="checkbox"/>			
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
		Paternal grandfather: MANUEL RODRIGUEZ  Maternal grandfather: JOE MANJARREZ Maternal grandmother: PETRA MANJARREZ – deceased  <b>Petitioner alleges</b> that the mother abuses methamphetamines and is unable to provide a safe and stable home for the minor. The father is currently in Fresno County Jail. Petitioner states that the minor has lived with her most of her life. The parents also resided in Petitioner's home, and when they separated they both agreed to leave the minor with Petitioner. The mother has also been incarcerated numerous times. Recently, the mother has been taking the minor from petitioner's care. The mother lives with her father (maternal grandfather) who is a registered sex offender. Petitioner states that it is not appropriate for a young teenage girl to be in the home with him. Further, the mother does not take the minor to school when she is in her care and the minor has numerous absences that occurred while in her mother's care. On 06/16/13, the mother tried to take the minor from Petitioner again, but it was determined by Fresno Police that she was under the influence of meth and the minor remained with Petitioner. Petitioner states that temporary guardianship is necessary to provide a safe and stable home for the minor.		Reviewed by: JF Reviewed on: 06/21/13 Updates: Recommendation: File 14 – Rodriguez	

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Guardian)

Atty Walters, Jennifer L., of Walters &amp; Moshrefi (Court-appointed for Conservatee)

## Petition for Appointment of Temporary Conservator of the Person and Estate

Age: 86 years		<b>TEMPORARY GRANTED EX PARTE EXPIRES 6/27/2013</b>  <b><u>GENERAL HEARING SET FOR 7/25/2013</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Court Investigator Advised Rights on 6/13/2013.</b>  1. Pursuant to Probate Code 2250.2(c), need proof of five (5) court days' notice by personal service of the Notice of Hearing and a copy of the Petition for Appointment of Temporary Conservator for: • Delia Valencia, proposed Conservatee.  2. Petition requests medical consent powers pursuant to Probate Code § 2355. Need Medical Capacity Declaration in support of Petitioner's request pursuant to Probate Code § 1890(c).
Cont. from		<b>PUBLIC GUARDIAN</b> is Petitioner and requests appointment as Conservator of the Person with authority to make medical decisions pursuant to Probate Code § 2355, and authority to change the residence of the proposed Conservatee during the temporary conservatorship to a living arrangement appropriate for her needs; and appointment as Conservator of the Estate without bond.	
	Aff.Sub.Wit.		
✓	Verified	<b>Need Capacity Declaration</b>  <b>Estimated Value of the Estate:</b> Personal property - \$45,677.16 <b>Total - \$45,677.16</b>	
	Inventory		
	Cap. Dec.	X	
	Not.Cred.		
✓	Notice of Hrg	<b>Petitioner states</b> the proposed Conservatee is a thin and frail widow who lives independently in her own home, and until recently, her son, <b>ANTHONY VALENCIA</b> , was providing some minimal assistance to her, but he has left the home and is being investigated for financial elder abuse. Petitioner states the proposed Conservatee is legally blind, though if assisted she can ambulate on her own, and she demonstrates memory difficulties. Petitioner states when the case was referred to Petitioner, Adult Protective Services and the Fresno Sheriff were investigating the proposed Conservatee's need for better supervision, and possible financial elder abuse by her son Anthony, and based upon the information gathered, the Petitioner presumes Anthony, who has access to proposed Conservatee's funds and admits he has a gambling problem, took over <b>\$425,000.00</b> of proposed Conservatee's funds in 16 months.	
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.	X	
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<b>Court Investigator Jennifer Daniel's Report was filed on 6/17/2013, and states even though the proposed Conservatee is objecting to the conservatorship, she does not appear to be able to properly provide for her personal needs or resist undue influence; it is recommended the petition be GRANTED.</b>	<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 6/21/13 <b>Updates:</b> <b>Recommendation:</b> File 15 – Valencia

(1) Seventh Account and Report of the Trustees of the Alison Miller Special Needs Trust and (2) Petition for its Settlement and (3) Approval of Trustee and Attorneys Fees [Prob. C. 17200(b)(5)]

<b>DOD: 01/08/13</b>		<b>MATTHEW MILLER</b> , successor trustee, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting period: <b>01/01/11 – 01/08/13</b>	1. The Trustee requests fees in the amount of \$1,440.00 in the Petition, however, the order states compensation to the Trustee is to be \$2,187.05 (\$4,320.00 less \$1,640.00 previously paid and \$492.95 surcharge). Need clarification as to the difference in fees.  2. The Order states that the fee to the attorney shall be \$17,651.25 less the sum of \$12,898.75 plus interest. However, it appears that the reduction should be \$13,416.25 plus interest per year based on the Declaration of attorney. Need clarification.
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$857,676.12</b>	
<input type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>\$579,300.91</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$759,077.00</b>	
<input type="checkbox"/>	<b>PTC</b>	Trustee - <b>\$1,440.00</b> (72 hours @ \$20/hr.)	
<input type="checkbox"/>	<b>Not.Cred.</b>	Attorney - <b>\$17,651.25</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	(itemized by date for 78.45 hours @ \$225/hr.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	This amount to be reduced by \$348.75 and \$168.75, for legal services provided to the former trustee, Beverly Miller erroneously paid by the Trust; and less \$9,686.25 and \$3,212.50, for legal fees erroneously paid by the Trust. Total fee after reduction is \$4,235.00)	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/Supp</b>	<b>Petitioner requests that:</b>	
<input type="checkbox"/>	<b>Objections</b>	1. The 7 <sup>th</sup> Account and report be settled, allowed and approved, and all acts and transactions of petitioner set forth in it or relating to the matters set forth in it, be ratified, confirmed and approved; and	
<input type="checkbox"/>	<b>Video Receipt</b>	2. Petitioner and the attorney for Petitioner are allowed the requested compensation for their services.	
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF
			<b>Reviewed on:</b> 06/25/13
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 16 – Miller</b>